APR 7 1967

JOHN F. DAVIS, CLERK

IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1966.

No. 946.

JOHN WOODY
and
192 ADDITIONAL PLAINTIFFS-APPELLANTS
vs.
STERLING ALUMINUM PRODUCTS, INC.,
and
INTERNATIONAL ASSOCIATION OF MACHINISTS
and
DISTRICT NO. 9, INTERNATIONAL ASSOCIATION OF MACHINISTS,
and
LOCAL LODGE NO. 41 OF THE INTERNATIONAL ASSOCIATION OF MACHINISTS
and
LARRY CONNORS, DIRECTING BUSINESS REPRESENTATIVE, DISTRICT NO. 9, I. A. OF M.,
and
RUSSELL DAVIS, BUSINESS REPRESENTATIVE, DISTRICT NO. 9, I. A. OF M.,
Defendants-Appellees.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

JEROME J. DUFF,
Suite 1155—818 Olive Street,
St. Louis, Missouri 63101,
314—MAin 1-3833,
Attorney for Petitioners.

ST. LOUIS LAW PRINTING CO., INC., 411-15 N. Eighth St., 63101. CEntral 1-4477.

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Defendants-Appellees.

PETITION FOR REHEARING OF ORDER DENYING PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT.

The petitioners herein pray this Court to grant a rehearing of its order of March 13th, 1967, denying a writ

of certiorari, 87 S. Ct. 1026 (1967). Petitioners further pray that a writ of certiorari issue to review the judgment of the Court of Appeals for the Eighth Circuit as prayed in their petition for certiorari.

REASONS FOR GRANTING REHEARING AND ISSUING THE WRIT.

Circumstances of substantial and controlling effect have arisen during the time that the petition for writ of certiorari herein was pending. The decision and majority opinion of this Court entered on February 27th, 1967, in the case of Vaca v. Sipes, 87 S. Ct. 903 (1967), thoroughly, favorably and affirmatively answers every question presented for determination by these petitioners. The ruling of the Eighth Circuit Court of Appeals in this case is now in direct conflict with this Court's opinion in Vaca v. Sipes (supra).

This case was cited "CF", in the Vaca v. Sipes opinion by Justice Fortas "concurring in the result" with the majority opinion (87 S. Ct. at 921).[1] Petitioners urge the grant of rehearing in order to bring a determination of the issues raised herein into conformity with this Court's mandate in Vaca v. Sipes and thereby restore uniformity to the federal common law of labor relations.

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[1] Petitioners have previously suggested simultaneous consideration of this case along with its companion case of Brown, et al., v. Sterling, etc., cert. den. 87 S. Ct. 1023. The Brown case was also cited "CF." in the opinion by Justice Fortas in Vaca v. Sipes, 87 S. Ct. at 922, footnote No. 3. However, the Brown citation in Vaca v. Sipes has consistently erroneously designated the Brown certiorari petition as "No. 946, O. T. 1966". The correct Brown certiorari designation is **No. 937**, O. T. 1966. A petition for rehearing in the Brown case is being filed simultaneously with this petition.

CONCLUSION.

For the reasons set forth herein and in the petition for writ of certiorari it is respectfully urged that rehearing be granted and that, upon such re-hearing, a writ of certiorari issue to the Court of Appeals for the Eighth Circuit.

Respectfully submitted,

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JEROME J. DUFF,
Counsel for Petitioners.

Certificate of Counsel.

I hereby certify that the foregoing petition for rehearing is presented in good faith and not for delay and is restricted to grounds specified in Rule 58 of the rules of this Court.

.....

Jerome J. Duff,
Counsel for Petitioners.

Certificate of Service.

State of Missouri, } ss.
City of St. Louis. }

I, Jerome J. Duff, of counsel for the Petitioners herein and attorney of record for the Petitioners in the Court below, depose that on the 6th day of April, 1967, I served four copies of the foregoing Petition for Rehearing on the Respondents as required by Rule 33, Paragraph 1, by personally mailing said copies hereof to Mr. William Stix, Attorney of Record for Respondent Company, 408

Pine Street, St. Louis, Missouri 63101, and Messrs. Bartley, Siegel and Bartley, Attorneys for Respondent Unions, 130 South Bemiston Avenue, Clayton, Missouri 63105.

.....

Jerome J. Duff.

Subscribed and sworn to before me at St. Louis, Missouri, on this 6th day of April, 1967.

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Notary Public.

My Commission Expires:

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